

Remarks

Claims 1-37 are pending in the application. All claims stand rejected. By this paper, claims 1, 10-13, 17, 18, 21-24, 27-29, 31, 34, and 35 have been amended. Reconsideration of all pending claims herein is respectfully requested.

Claims 1-6, 8-12, and 14-37 were rejected under 35 U.S.C. 102(b) as being anticipated by Nelson. Claims 7 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson in view of Straub et al. ("Straub"). These rejections are respectfully traversed. Claim 1 has been amended to include dependent limitations of claim 17. As amended, claim 1 recites a remote control device for an interactive television system, comprising:

a display device;

a web browser to access a web site including television program schedule information; and

a wireless receiver to receive the television program schedule information from the web site for display on the display device using the web browser.

These claimed features allow a viewer to browse an online electronic program guide (EPG) using a web browser presented on a display screen of a remote control. Thus, the viewer may see what other shows are currently being shown (or will be shown in the future) without disturbing other viewers. Unlike other approaches, the remote control may be simply designed and may easily adapt to different information sources, since the remote control uses the web browser to retrieve and display the information in a standard way.

By contrast, Nelson uses a proprietary system to retrieve raw schedule data through a telephone connection, which it must then integrate into a proprietary

interface based on hierarchical menus. Nelson is not a web browser within any reasonable interpretation of the word. With regard to claim 17, the Examiner argued that Nelson shows a "browser" since it stores programming scheduling signals in a memory circuit. However, merely storing information within a memory does not suggest a browser, let alone a web browser.

The addition of Straub does not cure the deficiencies of Nelson. The Examiner refers to Straub's abstract and col. 2, lines 20-27 for a client computer that receives a channel guide in the form of an HTML page. However, the "channels" referred to be Straub are not television channels, but are information resources, such as "MSN News," "ESPN Sports," etc., as illustrated in FIG. 5. Most certainly, Straub's channels do not include television program schedule information, as claimed.

Even if Straub's channels were television channels, which they are not, they would be displayed on a "desktop window on a client computer" (see Abstract). A desktop computer is vastly different from a remote control for an interactive television system, as claimed. For example, a handheld device with a small LCD display of the type disclosed in the present application cannot conventionally display a regular web page. Considerations of limited screen area, processing power, and network bandwidth must be taken into account. As a result, transcoding is often necessary, as recited in claim 17. Thus, the combination suggested by the Examiner would require considerable modification to the references, making the combination non-obvious.

Furthermore, the Examiner has not demonstrated sufficient motivation within the references for the proposed combination. "Obviousness cannot be established

by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination.” *ACS Hospital Systems, Inc. v. Moteffore Hospital*, 732 F.2d 1572, 1577 (Fed. Cir. 1984); MPEP 2143. Even if all the elements of claim are disclosed in the various prior art references, the claimed invention taken as a whole cannot be said to be obvious without some reason given in the prior art why one of ordinary skill would have been prompted to combine the teachings of the references to arrive at the claimed invention. However, none of the cited references provide such a reason to combine the references.

The applicants respectfully submit, therefore, that claim 1, as amended, is patentably distinct over Nelson. Claims 18, 24, 28, and 34 have been amended to include similar limitations and are thus believed to be patentably distinct for at least the same reasons. All other claims depend directly or indirectly from one of the foregoing claims and are likewise believed to be patentably distinct.

As amended, Claim 10 recites an intermediary unit that is capable of adding action control computer code to the television program schedule information, as part of transcoding the information from one format to another format. The action control computer code may include, for example, JavaScript-coded functions, that provide new interactivity to the otherwise static information. Normally, if a user selects an indication of a television program within a program guide being displayed by a browser, the system does not, for example, dynamically schedule the program to be recorded. The recited transcoding process embeds action control computer code into the static program schedule information (as downloaded from a web site, for

example), providing dynamic functionality that was not previously available via the remote control.

The Examiner apparently equates the earlier claimed "action control code" with control signals transmitted by the remote control. However, these control signals are distinct from, and are actually generated by, the claimed action control code (see claim 12). The specification clearly describes the action control code as computer code, such as JavaScript-coded functions or the like, which are inserted into the television program schedule information. As amended, claim 10 now recites "action control computer code" to make this more explicit.

Claim 13 recites that the television program schedule information comprises part of a hypertext markup language (HTML) page, and the action control computer code comprises JavaScript. Nelson does not disclose embedding JavaScript-coded functions into HTML-based television program schedule information. Indeed, Nelson's does not display a web page and, therefore, has no need to add interactive functions to otherwise static information.

Again, the addition of Straub does not cure the deficiencies of Nelson. Straub's reference to "Java applets" at col. 2, lines 20-27 merely suggest that "most Internet browsers support embedded software object components in the form of ActiveX controls, Java applets, and Visual Basic Scripts." Straub says nothing about an intermediary unit within the remote control that is capable of adding action control computer code to the television program schedule information, as part of transcoding the information, as required by claim 10. Indeed, the Examiner states that "it would have been obvious ... to download the EPG in HTML format with Javascript functions

for executing the control code." However, this admits that the Javascript functions are downloaded with the HTML code, not added by the intermediary unit, as claimed.

Adding action control code to the schedule information before it is downloaded into the remote would not be desirable, since it would limit functionality to one brand of remote control, television, etc. (different action control code would be needed for different configurations). Alternatively, if the action control code included support for all remote controls, televisions, etc., it would be unwieldy and would consume a great deal of memory and bandwidth.

Accordingly, the applicants respectfully submit that claims 10 and 13 are patentably distinct over the cited references, alone or in combination. None of the cited references disclose or suggest an intermediary unit adding action control program code to otherwise static television program schedule information during a transcoding process before displaying the information on a display unit of the remote control.

As amended, claim 18 recites an apparatus, comprising:

a remote control for an interactive television system, the remote control including a web browser;

an intermediary unit integrated with the remote control to receive information sent between the web browser and a network; and

a display device integrated with the remote control to display television program schedule information obtainable by the intermediary unit from the network, the intermediary unit capable to modify the obtained television program schedule information to add controls corresponding thereto prior to display of the modified television program schedule information on the display device by the web browser.

As argued above, Nelson does not disclose a remote control including a web browser. Moreover, Nelson does not disclose a remote control including an

intermediary unit that receives information sent between the web browser and a network and modifies television program schedule information to add controls. Nelson does not disclose adding anything to the schedule information, let alone controls. At the very least, Nelson does not add action control computer code during a transcoding process, as recited in claim 21, to enable those controls. Straub merely discloses the ability of web browsers to display Java applets, not the encoding of action control computer code into television program schedule information prior to displaying the information on a display device of a remote control. Accordingly, claims 18 and 21 are believed to be patentably distinct over the cited references.

As amended, claim 24 recites a system comprising:

a set top box for an interactive television system;

a remote control for the set top box, the remote control including a web browser;

an intermediary unit coupled between a network and the remote control to receive information sent between the web browser and the network; and

a display device integrated with the remote control to display television program schedule information obtainable by the intermediary unit from the network, the intermediary unit capable to modify the obtained television program schedule information to add controls corresponding thereto prior to display of the modified television program schedule information on the display device by the web browser, wherein activation of one of the controls added to the television program schedule information is capable to result in transmission of a corresponding signal from the remote control to the set top box.

As argued above, Nelson does not disclose a remote control including a web browser. Moreover, Nelson does not disclose a remote control including an intermediary unit that receives information sent between the web browser and a network and modifies television program schedule information to add controls.

Nelson does not disclose adding anything to the schedule information, let alone controls. At the very least, Nelson does not add action control computer code during a transcoding process, as recited in claim 27, to enable those controls. Straub merely discloses the ability of web browsers to display Java applets, not the encoding of action control computer code into television program schedule information prior to displaying the information on a display device of a remote control. Accordingly, claims 24 and 27 are believed to be patentably distinct over the cited references.

Independent claims 28 and 34 are method and article of manufacture claims, respectively, corresponding to claim 1 and have been amended to include similar limitations. Accordingly, the applicants respectfully submit that claims 28 and 34 are patentably distinct for at least the same reasons.

In view of the foregoing, claims 1-37, as amended, are believed to be patentably distinct. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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